

2014-1588, -1589, -1590, -1591, -1592, -1593, -1594, -1595

IN THE
UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT

ZOLL LIFECOR CORPORATION,

Appellant,

v.

KONINKLIJKE PHILIPS ELECTRONICS N.V., AND
PHILIPS ELECTRONICS NORTH AMERICA CORPORATION,

Appellees.

**Appeals from the United States Patent and Trademark Office,
Patent Trial and Appeal Board in Nos. IPR2013-00606,
IPR2013-00607, IPR2013-00609, IPR2013-00612, IPR2013-
00613, IPR2013-00615, IPR2013-00616, and IPR2013-00618**

**APPELLEES' OPPOSITION TO MOTION
REQUESTING ORAL ARGUMENT**

Appellees Koninklijke Philips Electronics N.V. and Philips Electronics North America Corporation oppose Appellant Zoll Lifecor Corporation's Motion Requesting Oral Argument. This Court does not ordinarily grant argument on motions. Practice Note to Fed. Cir. R. 34 ("Oral argument is ordinarily not granted on motions."); *see also* Fed. R. App. P. 27(e) ("A motion will be decided without oral argument unless the court orders otherwise."). Here, no oral argument is needed because the Court's prior decision in *St. Jude Medical, Cardiology*

Division, Inc. v. Volcano Corp., 749 F.3d 1373 (Fed. Cir. 2014), is dispositive: the Board’s decision not to institute an inter parte review may not be appealed to this Court. *Id.* at 1375–76; *see also* Fed. R. App. P. 34(a) (oral argument is not necessary when “the dispositive issues have been authoritatively decided”).

Respectfully submitted,

Date: August 11, 2014

/s/ J. Michael Jakes
J. Michael Jakes
Kathleen A. Daley
FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
901 New York Avenue, N.W.
Washington, D.C. 20001-4413
(202) 408-4000

Attorneys for Appellees
Koninklijke Philips Electronics N.V. and
Philips Electronics North America
Corporation

CERTIFICATE OF INTEREST

Counsel for Appellees Philips Electronics North America Corporation and Koninklijke Philips Electronics N.V. certifies the following:

1. The full name of every party or amicus represented by me is:

Philips Electronics North America Corporation
Koninklijke Philips Electronics N.V.

2. The name of the real party in interest represented by me is:

Philips Electronics North America Corporation
Koninklijke Philips Electronics N.V.

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party represented by me are:

Philips Electronics North America Corporation is a wholly owned subsidiary of Philips Holding USA, Inc., which, directly and indirectly, is a wholly owned subsidiary of Koninklijke Philips Electronics N.V.

5. The names of all law firms and the partners or associates that appeared for the party now represented by me in the trial court or agency or are expected to appear in this court are:

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
J. Michael Jakes
Kathleen A. Daley
Denise W. DeFranco

/s/ J. Michael Jakes

J. Michael Jakes

CERTIFICATE OF SERVICE

I hereby certify that on August 11, 2014, this Appellees' Opposition to Motion Requesting Oral Argument was filed electronically using the CM/ECF system and served via the CM/ECF system on counsel for Appellant as follows:

Kurt L. Glitzenstein
Fish & Richardson P.C.
One Marina Park Drive
Boston, Massachusetts 02210

John A. Dragseth
Fish & Richardson P.C.
3200 RBC Plaza
60 South Sixth Street
Minneapolis, Minnesota 55402

/s/ J. Michael Jakes